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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,676	02/07/2002	Michael Wendell Vice	2429-3	3363

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EXAMINER

CUNNINGHAM, TERRY D

ART UNIT PAPER NUMBER

2816

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,676

Applicant(s)

VICE, MICHAEL WENDELL

Examiner

Terry D. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-25 are rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. The circuit providing the "power" to the "amplifier" (e.g., 675-678 of Fig. 18) are is deemed critical or essential to the practice of the invention, but is not included in the claim(s). Note, there is no disclosure for such nor is it seen possible that the "second secondary winding" can provide the recited "power". An arrangement lacking this feature is not enabled by the disclosure since it cannot be understood from the specification how the circuit will operate without such. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Examiner has fully considered Applicant's remarks for the above rejection and has not found them to be persuasive. Applicant states that "[t]he disclosure in text and schematically in the drawings of 'a source of alternating current' is sufficient to inform one skilled in the art of the requirement of an AC current source". However, this statement is not at all understood. Firstly, Figs. 1 and 2 are clearly not the claimed invention. Secondly, nowhere does the specification set forth that power source 200 is providing power to amplifier in Fig. 18. And thirdly, the specification clearly provides that the amplifier runs on DC power, not AC power.

Claims 3 and above recite the circuit as described in Fig. 18, for example. As seen in the specification, the DC rectifier 675-678, which is responsive to the AC voltage from the transformer and provides DC voltage to the amplifier, is critical to the operation of the circuit.

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This is clear because the circuit cannot provide the claimed operation or even operate at all without this rectifier.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, there is no support found in the specification for the “second secondary winding” alone providing the recited “power”. Further, it would be understood how this could be accomplished by the “second secondary winding” alone since the winding provides an AC signals, whereas the amplifier requires a DC signal.

Claims 4-35 are rejected for the reasons discussed above with claim 3.

Examiner has fully considered Applicant’s remarks for the above rejection and has not found them to be persuasive. Additionally, Applicant’s remarks are not even understood. It does not make any sense to states the power source 200 provides power to the amplifier. It is not seen that this state anywhere on page 9. Figures 1 and 2 do not even show how the amplifier is powered. Claim 3 clearly recites “a secondary winding”, which reads on 672 of Fig. 18, for example. This winding clearly provides AC power which is rectified by 675-678 to provide DC power to the amplifier. Applicant’s discussion is not seen to have any relevance to the subject matter recited in claim 3 or that disclosed in Fig. 18.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. §102(b) as being anticipated by Estes, Jr. (USPN 5,013,931). Estes, Jr. discloses, in Fig. 2, a circuit comprising: “an isolation transformer” (34); and “a feedback control loop” having “a voltage reference (ground)”, “an output scaler)136, 138 and 168)” and “an amplifier (119)”, all connected and operating similarly as recited by Applicant.

Examiner has fully considered Applicant’s remarks for the above rejection and has not found them to be persuasive. Additionally, Applicant’s remarks are not understood because the above rejection clearly identifies all of the elements recited in claims 1-2. Thus, Examiner has clearly provided a prima facie case of anticipation. Applicant’s additional remarks cannot be found to be persuasive since none of them discuss any specific limitations found to be recited in the claims.

Due to the present indefiniteness and lack of enablement in claims 3-25, allowable subject matter cannot be determined.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 703-308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone numbers for Technology Center 2800 are 703-872-9318 for Before Final communications and 703-872-9319 for After Final communications. Please note, any faxed paper clearly stating **DRAFT** or **PROPOSED AMENDMENT** at the top will be forwarded directly to the Examiner. All others will be treated as a formal response and acted upon accordingly.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0956.

TC
May 13, 2003


Terry D. Cunningham
Primary Examiner
Art Unit 2816